

R E M A R K S

By this Amendment claim 1 has been revised to better highlight the steps of the inventive method.

The examiner has rejected claims 1, 6, 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Krokstad et al. in view of Rast.

This rejection is completely without merit.

Krokstad et al. disclose a programmable hybrid hearing aid which can include two microphones and a signal processor for suppressing a feedback signal. There is no disclosure or suggestion of analyzing signals from the microphones to detect when the casing has been touched and then changing the signal processing when touching is detected.

Rast disclose a system and method for selective control of acoustic isolation in headsets. A wearer can press various buttons on the headset to toggle between functions. There is no mention of analyzing signals from multiple microphones to detect when the headset has been touched.

The examiner asserts that it would be obvious to use the touch pattern ability of Rast in Krokstad et al. However, even if this is considered reasonable, the result would not be a method wherein signals from first and second microphones are analyzed to detect when the case is being touched, and then changing the signal processing unit when such touching is detected (applicant's claim 1).

The examiner's rejection of claims 1, 6, 8 and 9 should be withdrawn.

The examiner has rejected claims 2-5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Krokstad et al. in view of Rast and Arcos et al.

Arcos et al. disclose a hearing aid that includes one or more amplification channels in which each amplification channel includes a bandpass filter establishing the frequency range of that particular channel. Each amplification channel further includes a variable gain amplifier, a short-term energy averaging circuit, a long-term energy averaging circuit and a difference amplifier. An acoustical signal sensed by a microphone associated with the hearing aid is applied to the bandpass filter which then applies a signal within the particular frequency range of that filter to the variable gain amplifier and the short-term energy averaging circuit. An output from the variable gain amplifier is applied to the long-term energy averaging circuit and an earphone for enabling a hearing aid user to perceive the sounds sensed by the microphone. Steady state signals perceived by the microphone are integrated by the long-term energy averaging circuit which causes the difference amplifier to reduce the gain of the variable gain amplifier, thus decreasing the steady state sound. A novel sound sensed by the microphone is integrated by the short-term energy averaging circuit which causes the difference amplifier to increase the gain of the variable

gain amplifier. In this manner, the gain of the amplifier is increased for desirable sounds and decreased for background noise.

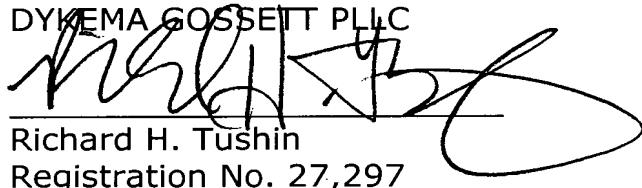
However, nothing in Arcos et al. can overcome the basic deficiency in the examiner's reliance on Krokstad et al. and Rast in rejecting claims 1 and 8.

Favorable reevaluation is requested.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:


Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8680